

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:07-CR-160
	)	(PHILLIPS/GUYTON)
RONALD EUGENE OGLE,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court to appoint counsel for the Defendant and reset the trial date of this matter following the District Court's granting the Defendant's Motion to Review the Attorney-Client Relationship [Doc. 40] and subsequently relieving Attorney Jonathan Moffat as counsel for the Defendant. The parties appeared before the Court on July 20, 2009. Assistant United States Attorney Cynthia Davidson was present representing the Government. Attorney Kimberly A. Parton was present and prepared to represent the Defendant, who was also present.

On July 14, 2009, the date previously set for the trial of this matter, the District Court relieved previous defense counsel, Jonathan Moffatt, of his duties in this case. The District Court referred the case to this Court to appoint new counsel and reset the trial date. At the hearing held on July 20, 2009, Attorney Kimberly A. Parton was present in the courtroom and agreed to accept representation of the Defendant. The Defendant agreed to the appointment of Attorney Parton. A representative from the Federal Defenders Office was present at the hearing and stated that Attorney

Moffatt's case files were available at the Federal Defenders Office at Attorney Parton's convenience. Attorney Parton agreed that she would obtain any pertinent files or discovery from the Federal Defendant as soon as possible. Based on the foregoing, the Court hereby **SUBSTITUTES** and **APPOINTS** Attorney Kimberly Parton under the Criminal Justice Act (CJA) as counsel of record for the Defendant.

Thereafter, the Court reset the trial date in this matter. Attorney Parton noted that she needed time to become familiar with the facts of the case and the motions currently pending in the case. Accordingly, the Court set this matter for January 12, 2010, to allow Attorney Parton to become familiar with this case and prepare for trial. The District Court has previously found that all time between the filing of the Defendant's Motion to Review Counsel and the new trial date is fully excludable pursuant to the Speedy Trial Act [Doc. 43 at 2]. The District Court's findings are incorporated herein and adopted verbatim. Accordingly, the Court finds that the time between July 13, 2009, and January 12, 2010, is fully excludable for Speedy Trial purposes.

Attorney Parton indicated that she may want to pursue additional pretrial motions after reviewing the facts and procedural history of this matter. However, the Government opposed any additional motions being filed. The Court instructed Attorney Parton that if she found a motion needed to be filed she shall file a motion for leave to file, with the substantive motion attached as an exhibit, and the Court will entertain the parties' positions on the particular motion at that time. Further, the Court instructed Attorney Parton to review the two outstanding motions *in limine* in this case and advise the Court whether these would be pursued. Finally, Attorney Parton agreed that she would contact chambers to schedule a hearing on the merits of the Petition for Action on Conditions of Pretrial Release [Doc. 36] and the Defendant's present detention, should the Defendant desire a

hearing.

Accordingly:

1. Attorney Kimberly A. Parton is substituted as counsel of record for the Defendant;
2. A pretrial conference is set for **January 5, 2010, at 11:00 a.m.**;
3. The trial date is set for **January 12, 2010, at 9:00 a.m.**, before the Honorable Thomas W. Phillips, United States District Judge; and
4. All time between the July 13, 2009, and the January 12, 2010, trial date is fully excludable under the Speedy Trial Act.

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge